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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,399	06/29/2001	Masatoshi Arishiro	018976-199	6008
	7590 03/08/2004		EXAMINER	
Platon N. Mandros BURNS, DOANE, SWECKER & MATHIS, L.L.P. P.O. Box 1404 Alexandria, VA 22313-1404			HARAN, JOHN T	
			ART UNIT	PAPER NUMBER
			1733	

DATE MAILED: 03/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

<b>Advisory Action</b>	<b>Application No.</b> 09/893,399	<b>Applicant(s)</b> ARISHIRO ET AL.	
	<b>Examiner</b> John T. Haran	<b>Art Unit</b> 1733	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 19 February 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☒ Applicant's reply has overcome the following rejection(s): the objection to the claims for grammatical errors..
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1, 3, and 5-9.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

### ***Response to Arguments***

Applicant's arguments filed on 2/19/04 have been fully considered but they are not persuasive.

In regards to the new matter rejection of claim 7-9 under 35 USC 112, first paragraph, Applicant argues that support can be found for the limitation that "the rack moves substantially entirely along a single axis" at paragraphs 0011, 0064, 0068, and 0137. Applicant correctly points out that each of the cited paragraphs provides support for the rack moving along a vertical axis. However, there is no support for the requirement that the rack move **entirely (only)** along a single axis. Paragraph 0068 refers to Figure 9 and states that the rack is raised or lowered as indicated by the arrow, which provides support for movement along an axis, but does not positively exclude the rack move along another axis. As illustrated in Figure 7, the rack contains two columns of trays and it is conceivable for the rack to be moved vertically to a predetermined height and then horizontally to line the column with the desired tray to be drawn to the tray drawer device. One skilled in the art would not have reasonably understood applicant to have possession of the rack moving entirely along a single axis at the time the application was filed.

In regards to the obviousness rejection of claims 1, 3, and 5-9 under 35 USC 103(a), Applicant argues that none of the references teach or suggest a sheet supplier including a drive for driving a rack to be raised and lowered in a vertical direction. As noted previously JP 04-239604 is directed to an apparatus for manufacturing laminated ceramic electronic components wherein the laminated ceramic components are formed

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by laminating a plurality of different ceramic green sheets. The apparatus comprises a sheet supplier comprising a plurality of trays, each tray holding a plurality of ceramic green sheets of the same type and each tray holding a different type of ceramic green sheet from other trays; a laminator for laminating a plurality of ceramic green sheets supplied from the sheet supplier; and a conveyor device for picking up single ceramic green sheets from the trays and conveying the ceramic green sheets to the laminator in a predetermined order (See English abstract and Figures 1 and 4). JP 04-239604 was modified as noted below to include the missing elements claimed in the present application.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a vertical rack for aligning and storing the trays and a tray drawer device for drawing the trays from the rack so the conveyor device can pick up the individual ceramic green sheets in the apparatus of JP 04-239604, as suggested in JP 10-321457; to have an automated system with a processor unit adapted to receive data concerning at least a type, an order in lamination, and a quantity of ceramic green sheets necessary for a laminate, as is well known and conventional, in the apparatus of JP 04-239604, as suggested in Baccini; and to include a drive for driving the vertical rack to be raised and lowered in a vertical direction to position the trays at a predetermined height for removal by the tray drawing device in the apparatus of JP 04-239604.

It appears Applicant's sole argument is that none of the references teach or suggest a drive for driving a rack to be raised and lowered in a vertical direction. As

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noted previously, one skilled in the art would have readily appreciated that either the tray drawing device needs to be movable to remove each tray from the magazine or the vertical rack must be movable to position each tray adjacent the withdrawal slider means. The two options are alternative expedients and are obvious one over the other in the absence of unexpected results. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a drive for driving the vertical rack to be raised and lowered in a vertical direction to position the trays at a predetermined height for removal by the tray drawing device in the apparatus of JP 04-239604.

As noted in the previous office action, Applicant did not address this position in response to the first office action and Applicant was considered to have acquiesced that moving the drawing device relative to the rack and moving the rack relative to the drawing device are alternate expedients obvious over one another. Applicant argues that they did address this position in the previous response on page 9, last paragraph through the first two lines of page 10 of the response, however Examiner finds no indication of such. The cited lines just stated that neither of the Japanese references teach or suggest a drive for driving a rack to be raised and lowered in a vertical direction and did not address whether the relative movement of the rack to the drawing device and vice versa are obvious alternate expedients. It is also noted, that Applicant failed to repeat or make any arguments traversing the position that moving the drawing device relative to the rack and moving the rack relative to the drawing device are alternate expedients and obvious over one another in the most recent response. Absent any

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argument to the contrary Applicant is still considered to have acquiesced to the position that moving the drawing device relative to the rack and moving the rack relative to the drawing device are alternate expedients obvious over one another.

**Conclusion**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John T. Haran** whose telephone number is **(571) 272-1217**. The examiner can normally be reached on M-Th (8 - 5) and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John T. Haran



JEFF H. AFTERGUT  
PRIMARY EXAMINER  
GROUP 1300